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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,454	06/12/2001	Richard Timothy Hartshorn	CM1913F	2212

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EXAMINER

BOYER, CHARLES I

ART UNIT PAPER NUMBER

1751

DATE MAILED: 11/30/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/787,454

Applicant(s)

HARTSHORN, RICHARD TIMOTHY

Examiner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3, 6, 7, and 8 are objected to because of the following informalities: In line 2 of claim 3, "an" should be replaced with "a". In line 2 of claim 6, the words "components are" should be deleted. In claim 7, "effervescent" is misspelled. In claim 8, "on" should be replaced with "in". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is confusing because the value of M is from 0 to 0.7, however, the minimum value of M possible is 0.05 since both components must be present in amounts of at least 5%. In claim 5, the language "aluminosilicate is not comprised in the components" is confusing.

4. Claim 10 provides for the use of a detergent composition, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is

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intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sai et al, US 4,208,295.

Sai et al teach a bleaching detergent composition (see abstract). An example of such a composition comprises 5% sodium alkyl sulfate and 15% sodium aluminosilicate (col. 11, example 8). Note that  $M = 0.19$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

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7. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyer et al, US 4,265,777.

Boyer et al teach aluminosilicate detergent compositions (see abstract). An example of such a composition comprises 6% sodium tallow alkyl sulfate and 20% zeolite A (col. 10, example IX). Note that  $M = 0.18$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicol, US 4,125,370.

Nicol teaches laundry detergent compositions (see abstract). An example of such a composition comprises 5.5% sodium tallow alkyl sulfate and 15% zeolite A (col. 16, example VIII). Note that  $M = 0.16$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming et al, US 4,000,094.

Fleming et al teach a spray-dried detergent composition (see abstract). An example of such a composition comprises 6% sodium alkyl sulfate and 54% sodium aluminosilicate (col. 5, example 1). Note that  $M = 0.32$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

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10. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor, US 4,243,544.

Taylor teaches spray-dried detergent compositions (see abstract). An example of such a composition comprises 3.5% sodium tallow alkyl sulfate and 18% zeolite A (col. 6, example 2). Note that  $M = 0.11$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

11. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Llendado, US 4,303,556.

Llendado teaches detergent compositions containing aluminosilicates (see abstract). An example of such a composition comprises 5.5% sodium alkyl sulfate and 25% sodium aluminosilicate (col. 12, example 1A). Note that  $M = 0.21$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

12. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Davey et al, US 4,123,377.

Davey et al teach detergent compositions containing bleaching agents (see abstract). An example of such a composition comprises 5.2% sodium tallow alkyl sulfate and 15% sodium aluminosilicate (col. 9, example 1A). Note that  $M = 0.16$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

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13. Claims 1-3, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al, US 4,321,157.

Harris et al teach granular laundry detergent compositions (see abstract). An example of such a composition comprises 12% alkyl ether sulfate, 8.25% zeolite, 3.75% TAED, and 25% sodium perborate (col. 21, example IX). Note that  $M = 0.10$  in this example. Further note the particulate mixture has an average particle size of from  $250\mu\text{m}$  to  $3000\mu\text{m}$  (col. 2, lines 58-61). As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

14. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng, US 4,414,130.

Cheng teaches readily disintegrable agglomerate detergent compositions (see abstract). An example of such a composition comprises 30% LAS and 60% zeolite (col. 24, example 9). Note that  $M = 0.42$  in this example. As this reference exemplifies all material limitations of the claims at hand, the reference is anticipatory.

The above references are meant to be representative of the hundreds of references that anticipate at least some of the claims at hand. As applicants are doubtless aware, anionic surfactants and zeolite builders are ubiquitous in the detergent arts. Though the references cited do not specifically teach a degree of mixture value, as all of these compositions inherently have a

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value within the claimed range, applicants are requested to state for the record how their invention is novel over the prior art.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng, US 4,414,130.

Cheng is relied upon as set forth above. Note that effervescent materials or mixtures may be added to these compositions as dispersing aids (col. 5, lines 43-52). It would have been obvious to one of ordinary skill in the art to include an effervescent system in the composition of Cheng et al and so render obvious the claims at hand as such a system is taught as suitable for use in the compositions of Cheng et al.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

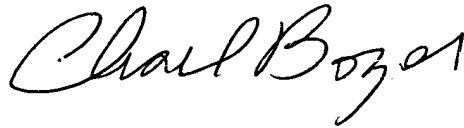


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If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

A handwritten signature in cursive script, reading "Charles Boyer". The signature is written in dark ink and is positioned to the right of the printed name "Charles Boyer".

November 14, 2001